

## Murphy, Lauren

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**From:** Murphy, Lauren  
**Sent:** Thursday, October 13, 2011 3:19 PM  
**To:** 'Joe Matthews'  
**Subject:** RE: Trillium Farm CAPP2011-0013

**Categories:** HDRC or Preservation

Joe – thank you for your email. I've forwarded your email to the County Attorney's office.

Thanks,  
Lauren

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**From:** Joe Matthews [<mailto:jmatthews@tmgworld.net>]  
**Sent:** Thursday, October 13, 2011 2:40 PM  
**To:** Murphy, Lauren  
**Cc:** Brown, Ron; Valenta, Mary; Murphy, Lauren; Lohr, Michelle; Dozier, Nicole; Tanya Matthews; Doug Fleming  
**Subject:** RE: Trillium Farm CAPP2011-0013

Lauren / Loudoun County...

I received your Email of Late August and have been dumb-founded by the response from the County Attorney and not sure how to respond. It is our opinion the County Attorney's Opinion to preclude us from building the Kitchenette building is wrong. There are dozens of ancillary building in this County that serve as pools houses and similar that have bathrooms, kitchenettes and the like. As a result there is an inequity that is being created by Loudoun County by allowing others to have constructed similar improvements, and, to preclude the Matthews Family from having the same rights and privileges.

We would prefer that this matter not have to rise to involving the legal system and we ask that a meeting be arranged with the County Attorney, the Zoning Administrator and the Matthews to talk this out. We understand that the County is being influenced by a special interest group to make decision that are based in advancing the interests of the residential development industry (study who spoke up against us at the CAPP hearing in July) . The only rational explanation that we have been able to understand as it relates to the County Attorney's opinion is that by precluding the improvements at Trillium that we have proposed, it keeps the property from being committed in the long term to conservation. God forbid – our improvements preclude a legal fight two decades from now to declare the conservation easement (and others) as null and thereafter to allow the residential industry to destroy the little remaining open-space land that is left.

From what I understand, our proposed improvements both in the short run allow for the private enjoyment that we have the right to and in the long-run secure the property for conservation. This should be no – brainer!!! What we are proposing is both in the literal and in the spirit of the conservation easements interest.

Can you please propose a meeting date.

Sincerely,

TMG Construction Corporation

Joseph N. Matthews FAIC, CPC

LEED AP

Principal

(Desk) 540-751-4466

(o) 540-338-0411

(C) 571-233-3987

[www.tmgworld.net](http://www.tmgworld.net)

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---

**From:** Murphy, Lauren [<mailto:Lauren.Murphy@loudoun.gov>]  
**Sent:** Thursday, October 13, 2011 9:20 AM  
**To:** Joe Matthews  
**Subject:** Trillium Farm CAPP2011-0013

Joe – I hope this finds you well. As you know, the County Attorney's office (CAO) issued an opinion on your building permit applications at the end of August regarding the structures allowed on the property under the terms of the County-held open space easement. I've not heard from you since that memorandum was issued and wanted to check in with you on the status of your Certificate of Appropriateness application.

If you would like to withdraw your application in light of the CAO opinion, we will need an email or written letter from you to that effect. If you would like to proceed with the gazebo and bridge (which have been determined to be in compliance with your easement) we would need revised drawings, plat and a revised statement of justification reflecting only those two structures. Per the August 30<sup>th</sup> email from Marsha Keim, the two additional "pavilion" structures will need a zoning permit application and County Attorney review before they can complete the process. The November 14<sup>th</sup> meeting deadline is Friday October 14<sup>th</sup> (tomorrow) and the December 12<sup>th</sup> meeting deadline is November 10<sup>th</sup>.

Let me know how you would like to proceed.

If you have any questions please give me a call.

Thanks,  
Lauren

Lauren E. Murphy  
Planner – Community Information & Outreach

Loudoun County Department of Planning  
1 Harrison Street, S.E.  
Leesburg, Virginia 20177

Office – (703)777-0246  
Fax – (703)777-0441

## Murphy, Lauren

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**From:** Murphy, Lauren  
**Sent:** Tuesday, August 02, 2011 12:02 PM  
**To:** 'Joe Matthews'; Siebentritt, Heidi  
**Cc:** Doug Fleming; Tanya Matthews  
**Subject:** RE: CAPP Application Meeting on 7/11/11 Concerning Trillium Farm Improvements - CONFIDENTIAL

**Categories:** HDRC or Preservation

Joe – thanks for your emails, sorry it took me so long to get back to you, I was out of the office on vacation and yesterday was hectic trying to catch back up!

While I will not be distributing your email below to the HDRC, it will be a part of the public file for your application. All correspondence to and from government officials becomes part of the public record and may be subject to inspection under the Virginia Freedom of Information Act (FOIA). As you know the HDRC won't review your application again until the County Attorney's office has completed their review of the open space easement. Prior to any future review of your CAPP, I will discuss your case with the HDRC chairman who runs each of our meetings in an effort to relay your concerns outlined below. I'm sure she will do her best to keep everyone on track. Per your request, I will provide the Committee your other email with your responses to some of the concerns from the previous meeting.

Thanks,  
Lauren

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**From:** Joe Matthews [mailto:jmatthews@tmgworld.net]  
**Sent:** Tuesday, July 26, 2011 11:06 PM  
**To:** Murphy, Lauren; Siebentritt, Heidi  
**Cc:** Doug Fleming; Tanya Matthews  
**Subject:** CAPP Application Meeting on 7/11/11 Concerning Trillium Farm Improvements - CONFIDENTIAL

**Confidential – Not for public and/or HDRC disclosure. For use and circulation within Loudoun County on a need to know basis only for purposes of making sure that the outcome of the HDRC process is fair and consistent with the guidelines and previous interpretations.**

Lauren / Loudoun County...

In light of the events that took place at the HDRC Meeting of 7/11/11, we are writing to express our concern, that the interests of the Matthews Family and our desire to use and enjoy our property (within the limits of the current zoning regulations) are unfairly being compromised and we are extremely concerned that the issues raised by a small special interest group could prejudice the rational decision making process that HDRC is tasked with.

To this end, when the Trillium Lakeside improvements are brought back in front of the committee, we would ask that you consider the following as possible actions:

- Recluse committee members that have a special interest agenda that goes beyond matters involving HDRC issues to not participate in the discussion and or the decision making process;
- Create and enforce a strong set of ground rules that limit discussion to solely that of issues involving HDRC and to have removed from the meeting anyone that attempts to introduce and/or invoke negative emotion related to non-HDRC matters that could adversely cause the HDRC to create a decision that is not consistent with the rules and/or similar interpretations made in the past;
- Consider seeking the involvement of a third party observer such as an Inspector General type person whose purpose is to seek out and eliminate committee members who act outside the boundaries of ethically conduct that could

otherwise be considered biased, unfair and/or inconsistent with the professional standards and behavior that are expected of people representing matters of public interest (and-all of us-for that matter);

- Act on other ideas that create a positive foundation under which the merits of the project can be judged objectively, fairly, with professional candor and respect.

We know that what we are proposing is well within the guideline of the Goose Creek Historic District Guidelines and that even though the nature of our project is somewhat unique there is considerable precedence that justifies the timely issuance of a certificate of appropriateness. It would be extremely frustrating to be forced to engage in a legal process to reverse an adverse position by the committee that was the result of demonizing and/or other negative perceptions that were created by special interests (particularly in light of discovery process that will most certainly establish that certain members of your committee are using their influence within HDRC to advance non-HDRC agendas).

We are grateful for how you have worked to keep this matter level headed and anything you can do to help to reverse the actions that have potentially prejudice a rational decision making process and to make the next meeting balanced and an enjoyable process for all of us is greatly appreciated.

Thank you..

Sincerely,  
TMG Construction Corporation

Joseph N. Matthews FAIC, CPC  
LEED AP  
Principal  
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(o) 540-338-0411  
(C) 571-233-3987  
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---

**From:** Joe Matthews  
**Sent:** Tuesday, July 26, 2011 9:59 PM  
**To:** 'Murphy, Lauren'; Siebentritt, Heidi  
**Cc:** Tanya Matthews; 'Hillrose01@aol.com'; 'Doug Fleming'; 'Jean Brown (oaklandbb@aol.com)'  
**Subject:** CAPP Application Meeting on 7/11/11 Concerning Trillium Farm Improvements

Dear Lauren and concerned others...

Attached are meeting minutes that were kept by Michael Oxman that documented the dialog that took place at the HDRC meeting on 7/11/11 concerning the proposed improvements at our lake at 18915 Lincoln Rd, Purcellville, VA that we have a CAPP approval pending for. Based on conversations with Lauren, Mike Oxman and the attached meeting minutes we understand that a variety of subject matters involving Trillium Farm were discussed that had nothing to do with the HDRC scope and/or the review and approval of the CAPP application.

We are writing to express our concern, that the interests of the Matthews Family and our desire to use and enjoy our property (within the limits of the current zoning regulations) are unfairly being compromised and we are extremely concerned that the issues raised by a small special interest group could prejudice the rational decision making process that HDRC is tasked with.

We understand that there is a basis for frustration and we regret that individuals who attended the meeting lacked the ability to pick up the phone or simply come over and talk to us. The catalysts for many of the concerns expressed have been addressed (some for many years) and we need to work to understand the past and separate these issues from the present and the future.

We are writing to ask that you distribute this letter to all members of the committee to allow the Matthews the opportunity to address the concerns that we are aware of. We are not the demons and/or irresponsible people that we are being made out to be and we would encourage the committee members, our neighbors and any interested party to email us or simply stop by and make time to get to know us.

The following is our side of the issues identified in Mike Oxman's meeting minutes:

**Issue A - Failed Sediment Control that silted up the neighbors spring house / an allegations that we did not have E&S controls in place (before and/or after).**

Response – In 1996, shortly after fine grading the land south of the driveway into Trillium, we had a torrential rain that blew out the check dams and E&S controls that resulted in considerable sediment being transported across Lincoln Rd (Our Bad). We had sediment controls in place before, during and after; in which the #2 gravel that was used to create the check dams is still visible today (15 years later). In response, we immediately cleaned up the mess, reseeded the area that was affected and put in place additional erosion controls to prevent a reoccurrence. This is the one and only time this type event happened (100,000cy of dirt moved and 20+ acres of land disturbance). We have an open grading permit (X20060200001) and Bill Houck of Loudoun County stops by weekly to inspect. His reports are public record and demonstrate that we have responsibly managed E&S throughout the years that we have been doing this. To say and/or imply that we were non-responsive is a distortion of what happened and an attempt to instill contempt.

**Issue B – The barns at Trillium are out of scale and house TMG Construction operations involving upwards to 30 people on Trillium Farm**

Response - All improvements that are constructed at Trillium are based on being in scale with a 50 acre farm and life after Joe and Tanya. TMG's has 4 office locations that house all of our project management and field functions, including our primary project management office that is located at 741 Miller Dr., Leesburg, VA. TMG business operations at Trillium Farm are limited to accounting and corporate support functions and don't involve day-to-day operations. The number of people that work at Trillium Farm is consistent with AR-1 zoning for a 50 acre parcel of land.

**Issue C – JNM comments concerning early generations of farming causing 16" of the farms 24" of topsoil to be washed down stream**

Response - 4 to 5 vertical feet of top at the low point in our property that was recovered incidental to building the lake is reality and it took place over the decades prior to Joe and Tanya owning the farm. This is a textbook observation of the effects of mechanized farming practices that were used by previous generations that date back 100 years and more. With few exceptions, today's farmers have learned how to preserve topsoil and to use our natural resources more wisely. This observation is a lesson for those farmers who continue to not respect what topsoil / natural resources are left. Those that have learned from the mistakes of previous generations and have adopted contemporary farming practices have no reason to be insulted by my statement and those that have not should be held accountable for their sins against nature and the quality of life that we are leaving behind for our children.

**Issue D – 2006 Letter written to the neighbors by Joe and Tanya to explain what we were doing at the time**

Response - To the fullest extent practical we have been 100% transparent with our neighbors concerning our intentions. The scope of what we seek to do in 2011 has evolved (in part from community feedback) and the concerns that Jean Brown cites are not part of this current and/or any future initiative currently contemplated. We have made it clear to zoning our intentions and we intent to work within the limits set by the current zoning regulations that includes private use and possibly future agricultural uses related to the orchard that we recently planted and activities that are related thereto.

**Issue E – Disney 2 and the community victory to stop the Matthews**

Response – In 1996 Joe and Tanya bought 50 acres in a community that consisted of 50 acre conservation easements that limit development. At the time and for years our property was farmed by Ben Hottle as a part of an 11,000 acre traditional farming crop rotation effort. Over the years, urban creep and the fragmentation of farm land reduced the available acreage to farm to 4,000 acres +/- (as I understand it) and in 2008 +/- Joe Rogers stopped farming our land along with many other farms because the deer population (that is being forced onto the fragmented land that remains) was eating 40% of the crop yield. As such, we and many others were forced into looking for alternative land uses and the evolution of AR-1 zoning to address the defacto changes in land use brought about by regional events around us is allowing us to find sensible productive uses to hold on to the open space. Starting in 2005 +/-, we came to realize that we needed to do something with our land and that traditional farming would no longer be an option. As an institutional builder our vision was bigger than most and we moved 100,000 acres of dirt to create a small lake and we made other improvements that would provide the infrastructure for micro-farming and for community based activities. In 2006, we authored the letter “to our neighbors” which Jean Brown is twisting into something that is not. The letter was written in a sincere attempt to educate our neighbor to what we were thinking and to obtain feedback. As long-term residents in the community, we share many of the concerns that our neighbors do and through an evolution of feedback and critical thinking, we reached a point where we concluded that the scale of the improvements to the property are those that are reflected in the “Lakeside Picnic Area” drawings. In the past two years, we explored making the facility available to the community (with the framework of minor special exception provisions of AR-1 zoning) however we ultimately concluded that we would need to spend a \$100,000 or more of our own money to allow others to benefit from our property which simply does not make sense. Going forward, we have chosen to limit the improvements that are contemplated in the drawings to private use which provide a controlled environment to raise our two 9 year old boys and to share the improvements with our friends and neighbors in an appropriate manner. There was never a Disney 2 and the whole notion of comparing our efforts to Disney is both humbling and annoying.

#### **Issue F – Beep, Beep, Beep**

Response – It is reasonable to understand why some of our neighbors became frustrated with the sound of construction equipment moving dirt, building a lake and creating roads. Trillium was built using TMG equipment that was idle at the time and typically much of the work got done on the weekend with my own effort. As such, many of our neighbors experienced one to three month bursts of beep, beep, beep.. The good news is that the heavy construction is over and has been so for a year or so. From an outsiders perspective it would be hard to differentiate TMG's office operations from the construction noise that reconfigured the land that is now in place at Trillium. As such, if people are concerned that TMG's existence at Trillium is the continued noise of the past, it is an incorrect perception. Albeit that the trash truck empties our dumpster once a week and has a backup alarm and occasionally there are other sources of noise, the nature of TMG existence at Trillium is one of light vehicle coming and going. As such, the noise that originates from Trillium now days is that type of noise that is typical of a 50 acre farming operation and the beep, beep, beep is not the norm.

Thanks for making the time to read this. For reasons that we can not fully explain; there is a small group of activists (that we may never fully agree with, however we have and will always make the time to understand and respect their concerns) that are using the HDRC as a vehicle to stop this project. We are committed to doing this project and we appreciate the professional manner in which HDRC staff, LC Zoning and all of Loudoun Government has worked to respects the concerns of others and to acknowledge the legal rights that the Matthews family has to enjoy and improve our property. We look forward to moving this project forward.

Please encourage the committee and others to write and/or stop to address any further concerns.

Thank you.

Sincerely,

Joseph N. Matthews FAIC, CPC  
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---

**From:** Hillrose01@aol.com [mailto:Hillrose01@aol.com]

**Sent:** Wednesday, July 20, 2011 12:59 PM

**To:** Joe Matthews

**Subject:** Trillium Farm - ARB Comments

Joe,

Attached is a Revised copy of the Meeting Minutes with MLO's Comments. Please let me know if you need anything else.

Have a great day!!

*Trae Sinnott*

Executive Assistant / Project Coordinator  
Architect Michael L. Oxman and Associates, Ltd.  
36963 Charles Town Pike  
Purcellville, VA 20132  
O) 540-668-7445  
F) 540-668-9000  
Web: [www.architect-oxman.com](http://www.architect-oxman.com)

## Murphy, Lauren

---

**From:** Joe Matthews [jmatthews@tmgworld.net]  
**Sent:** Tuesday, July 26, 2011 9:59 PM  
**To:** Murphy, Lauren; Siebentritt, Heidi  
**Cc:** Tanya Matthews; Hillrose01@aol.com; Doug Fleming; oaklandbb@aol.com  
**Subject:** CAPP Application Meeting on 7/11/11 Concerning Trillium Farm Improvements  
**Attachments:** 2004014 Meeting Minutes Comments 7-20-11.pdf

**Categories:** HDRC or Preservation

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**From:** Hillrose01@aol.com [mailto:Hillrose01@aol.com]  
**Sent:** Wednesday, July 20, 2011 12:59 PM  
**To:** Joe Matthews  
**Subject:** Trillium Farm - ARB Comments

Joe,

Attached is a Revised copy of the Meeting Minutes with MLO's Comments. Please let me know if you need anything else.

Have a great day!!

*Trae Sinnett*

Executive Assistant / Project Coordinator  
Architect Michael L. Oxman and Associates, Ltd.  
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Purcellville, VA 20132  
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F) 540-668-9000  
Web: [www.architect-oxman.com](http://www.architect-oxman.com)

July 20, 2011

Trillium Farm – ARB Meeting Minutes from July 11, 2011, 6:00 p.m.

Tanya and Joe,

On July 10th, I participated in the ARB Review Meeting. It was brutal. A number of citizens showed up. They were extremely critical of Trillium Farm in general. The public comments were focused more on current and past issues and not on the design being presented. Although the chairperson, Lee Ferguson, commented that Zoning issues or past concerns were not their responsibility, it clearly diverted everyone's attention away from the project at hand.

After reading through the County's Review of the various elements of the picnic area, I assumed that this would be a slam-dunk. My assumption couldn't have been further from the reality of what took place in that meeting. The questions that I was being asked, typically, did not have anything to do with the picnic area. My initial statement was that these are all reasonable questions, but I'm not in a position to respond to them. If you ask me about the building, I'd be happy to speak to that. However, the Committee expanded upon the citizen's questions. I answered those questions honestly and as best as I could. I should have, in hindsight, not answered any questions that did not pertain to the submission.

There were a variety of issues that were brought up by the citizens, some of which went back to the original construction of the home. The following are my recollections of what some of them were saying:

- A. There was a gentlemen from what I believe was Edgewood Farm, who was reaching back to the time when the house was constructed and was suggesting that you did not put silt fencing up and that a significant amount of silt ended up in their spring house. He indicated that the Matthews' had not been responsive to his concerns or incorporating a silt fence. This, of course, had nothing at all to do with the project that was to be reviewed. His comments simply stirred the emotional pot against anything that you might choose to do.
- B. A number of people spoke up against the Business operation, indicating that they thought that it was inappropriate and not in conformance with the Zoning ordinance. They focused their attention on the size of the barns being out of proportion, which I think is incorrect. The barns, as viewed essentially from the outside world, appear to be one-story from the front and from the sides, a bank-barn type of construction, which is not untypical for many of the barns in Loudoun County. They questioned the use of the barns. I indicated to them, since this item came up with the Committee, that a portion of the barns were for horses that you had not yet acquired, but planned on doing so and that certain areas of the barns were being used to store equipment that you used to service the property and your business. These individuals commented on the number of people that were working in the facility, suggesting that there were as many as 30 people and that was against the Code. They commented on the noise coming from construction vehicles, specifically construction vehicles that back up and beep. None of this had anything at all to do with the picnic area; nevertheless it simply created an emotional frenzy.
- C. There were other issues that were brought up that related to some of your earlier comments that you had made regarding the suitability of the soil for farming, due to past farming practicing and what you were doing to mitigate that situation. Those comments that you made were interpreted by your

neighbors owning farms, as a slight against the farming community in the area. You were insulting them...more frenzy. Another concern referenced, which was brought up by the Committee member Jean Brown, referred to a letter that you wrote in 2006; where you talked about all the different ideas you had for your property, which included Meeting rooms and the Cottages, Amphitheatre, etc. This reference created additional frenzy.

After the citizens had their opportunity to speak, the Committee began their questioning. The following narrative will be an outline referencing each of the Committee members, as best as I can recollect:

1. Before I go to the Committee members, Lauren Murphy sat at the head of the table and made the initial presentation. She did not participate with the frenzy. She stuck to the Agenda; however the Committee, in general, did not. I did speak this morning (7/12/11) with Lauren and we commiserated over the nature of what took place. I think we both came to the conclusion that as bad as the citizen's comments were, it had nothing to do with your project and that it was probably best that the two of you were not there. I suspect you could have answered some of the questions more definitively, which would have been helpful. At this point, this will at least give you an opportunity to address each of the comments that the public made, so that one could get on with the review of the actual project and its appropriateness.
2. Jean Brown was the one who brought the 2006 letter to the table. She asked me whether I remember that letter. I indicated, "When was it written?" I said, "I'm having enough trouble remembering what I did yesterday let alone what I did in 2006." On the other hand, I did not suggest that I was unaware of the items that were expressed in the letter. Lauren indicated that they were not a part of this submission and any other projects would be reviewed independently on their own merit. Now, you can begin to see the vision that the Committee and the citizens are all excited over. In fact, one of the Committee members brought up the fight against Disney World, as a great victory; somehow comparing Disney World to what you wanted to do on your property. In addition to the letter, Jean revisited the concern about the use of the property as a Business. Lauren indicated that the Zoning for the use had been accepted. Nobody really cares if it was accepted. They are just angry. Jean also refers to the noise. The backing up of vehicles with the beeping occurring early in the morning and questions whether or not there is a noise ordinance to control this. Once again, Lauren indicates that this is not their responsibility...yes, there is a noise ordinance and they can take it up with the appropriate authority.
3. Rob Hale seemed to have some construction or architectural background. He was not as exuberant; nevertheless, he got focused on the outdoor T.V., as if somehow you were creating a Drive-In Theatre. I expounded on one possible theory, that when people are down by the lake, some may want to watch sports and this will give them a place where they can sit and do so. The T.V. is hidden from the view of the outside world. I think that if the attention of the Committee could be directed to the legitimacy of the design being proposed, Hale would probably review it with an open mind. Rob also brought up the issue of the impervious surfaces, suggesting that maybe they should be pervious. I indicated that certainly could be done, but I thought that those hard surfaces would be collecting clean water that would then be diverted to the pond. At some point, and I think it was at this time that, there was a discussion about the pond. I indicated that you had a well to maintain the level of the pond. A lot of people seemed to think that this was humorous. I then indicated that typically, there was enough rainfall and runoff to maintain the level of the pond. However, it did not always want to occur when you needed it and therefore, to maintain the character of the pond, the well would offset those moments when there was a shortfall. I also noted that on hot days, like we've been experiencing, a pond could lose 1/4" of water a day to evaporation. In addition, I pointed

out that there were no natural lakes in the state of Virginia and that any lake (small or large) was man-made. No one seemed to believe that.

4. Matt Tolley is a member of the Loudoun County Health Dept. and I can't recall him saying anything.
5. Judy Gerow was also quiet. I cannot recall her asking a question.
6. Karl Riedel, I understand is an Architect with an office in Leesburg, VA. He didn't say very much, however on the previous review he got hung up on the Historical Covenants, which does not want to have decks. The house was 1,000 ft. from the road, surrounded by family farm land and family homes. The deck in the rear of the house was not visible. The Planning Review indicated that because it was not visible, this would be okay. Karl seemed to still be struggling with the subject. I just recalled that Hale then comes in with the inconsistencies of the window treatment between the front of the home (which is barely visible from the road) and the rear of home. As I know you are aware of my philosophy, personally I agree with the concept of consistency on all elevations of a building. However, in my opinion, it should be irrelevant to the ARB Review and Lauren made an effort to point that out.
7. The Chairperson, Lee Ferguson, tried to point out the responsibilities of the Committee. She seemed to be reasonable, level-headed and more focused.
8. Jane Covington appeared to be angry from the very beginning. It would seem to me that she must have had conversations with the citizens before she even asked her first question, which didn't deal with the project at hand, but with the barns and what they were being used for. She was drilling me about the Zoning issues of the barns and their appropriateness.

As I was indicating, there was very little discussion about the Lakeside picnic structures. They postponed the decision until such time as the County Attorney determines whether or not the elements comprising the picnic area are an appropriate use, within the Conservation Easement area. If the Attorney says that the use is okay, the Planning Dept. basically gave it the good housekeeping seal of approval. I don't know how the Architectural Board of Review can reject it. The citizens and the Board can speculate anyway they want about some future desire on your part to make this a more public use area. It is irrelevant or it should be to this approval.

I am sorry that it did not go well. I will say that it sounds like you have some fence mending to do with your neighbors.

As you can see from the date on this correspondence, I have held off sending this to you until after your vacation. It would seem to make sense for us to either have a telephone conference or get together to talk about the situation.

Best regards,



Michael L. Oxman

## Murphy, Lauren

---

**From:** Vidaver, Mary M. Bathory  
**Sent:** Tuesday, July 12, 2011 3:30 PM  
**To:** Murphy, Lauren  
**Subject:** Re: Trillium Farm CAPP

**Categories:** HDRC or Preservation

Thx. I will pass on.

---

**From:** Murphy, Lauren  
**Sent:** Tuesday, July 12, 2011 02:09 PM  
**To:** Vidaver, Mary M. Bathory  
**Subject:** RE: Trillium Farm CAPP

Just an update from last night's HDRC meeting:

The HDRC deferred action on the CAPP application until the County Attorney's office provides an opinion on whether or not the proposed buildings are consistent with the open space easement on the property. There were several citizens who spoke during public comment. The majority of their concerns were related to the existing uses on the property and possible future uses. We did let attendees know that while the HDRC can't regulate use(current or future); if citizens are concerned about uses on the property, they can contact our zoning enforcement staff and/or file a zoning violation complaint.

I anticipate that the item will be heard again in August as Ron Brown and Mary Valenta think they'll have a response in the next 2 weeks or so.

Let me know if you have questions ☺

Thanks,  
Lauren

---

**From:** Vidaver, Mary M. Bathory  
**Sent:** Monday, July 11, 2011 3:15 PM  
**To:** Murphy, Lauren  
**Subject:** RE: Trillium Farm CAPP

Thanks for the update and advice. I will pass on to Supervisor Burton as well.

Best,

Mary

---

**From:** Murphy, Lauren  
**Sent:** Monday, July 11, 2011 3:13 PM  
**To:** Vidaver, Mary M. Bathory  
**Subject:** Trillium Farm CAPP

Mary – just wanted to give you an update, in case Supervisor Burton's office gets calls.

We will provide all of the emails we've received to the HDRC. Our normal policy is to provide them as a part of the public comment portion of the HDRC meetings. It appears that the majority of the issues discussed in the emails we've received so far are not actually under the HDRC's purview. We will address this tonight at the meeting but also wanted to let you know, in case you receive additional calls related to this project, that concerned citizens may need to be forwarded to zoning enforcement.

I'll keep you posted.

Thanks,  
Lauren

Lauren E. Murphy  
Planner – Community Information & Outreach  
Loudoun County Department of Planning  
1 Harrison Street, S.E.  
Leesburg, Virginia 20177

Office – (703)777-0246  
Fax – (703)777-0441

## Murphy, Lauren

---

**From:** Joe Matthews [jmatthews@tmgworld.net]  
**Sent:** Tuesday, July 05, 2011 5:25 PM  
**To:** Murphy, Lauren  
**Subject:** FW: Trillium Kitchenette Bldg, Fishing Gazebo and Bridge - QUESTION

**Categories:** HDRC or Preservation

FYI – see note from Doug....

Sincerely,  
TMG Construction Corporation

Joseph N. Matthews FAIC, CPC  
LEED AP  
Principal  
(Desk) 540-751-4466  
(o) 540-338-0411  
(C) 571-233-3987  
[www.tmgworld.net](http://www.tmgworld.net)

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---

**From:** Doug Fleming [mailto:dfleming@dougflaminglaw.com]  
**Sent:** Tuesday, July 05, 2011 5:24 PM  
**To:** Joe Matthews  
**Subject:** RE: Trillium Kitchenette Bldg, Fishing Gazebo and Bridge - QUESTION

Joe,

Thanks for the email. I will also place a call to Ron Brown so he'll have the message when he returns to the office.

Doug

Douglas L. Fleming, Jr.  
DOUGLAS L. FLEMING, JR., P.C.  
107 East Market Street  
Leesburg, Virginia 20176  
703-777-6809  
Fax 703-777-6318  
[dfleming@dougflaminglaw.com](mailto:dfleming@dougflaminglaw.com)

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**From:** Joe Matthews [mailto:jmatthews@tmgworld.net]  
**Sent:** Tuesday, July 05, 2011 3:58 PM  
**To:** Doug Fleming; Keim, Marsha  
**Cc:** Murphy, Lauren  
**Subject:** Trillium Kitchenette Bldg, Fishing Gazebo and Bridge - QUESTION

Doug / Marsha...

On July 11<sup>th</sup>, the Trillium Kitchenette Bldg, Fishing Gazebo and Bridge project is being reviewed by the HRDC for purposes of issuing a certificate of appropriateness.

Lauren Murphy who represents Loudoun County on behalf of the HRDC process called today to state that it is the practice of HRDC to defer review of applications that have County held easements until such time as they have clearance from the county attorney's office. On May 31<sup>st</sup>, this matter was sent to Ron Brown (see Email chain below).

Can someone please let Laura and I know the outcome of Mr. Brown's review of the Conservation Easement so that the July 11<sup>th</sup> HRDC review is not delayed.

Thanks,

Sincerely,  
TMG Construction Corporation

Joseph N. Matthews FAIC, CPC  
LEED AP  
Principal  
(Desk) 540-751-4466  
(o) 540-338-0411  
(C) 571-233-3987  
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---

**From:** Joe Matthews  
**Sent:** Tuesday, July 05, 2011 3:41 PM  
**To:** 'Murphy, Lauren'  
**Subject:** FW: Trillium Kitchette Bldg, Fishing Gazebo and Bridge - QUESTION

Lauren...

See attached...

Sincerely,  
TMG Construction Corporation

Joseph N. Matthews FAIC, CPC  
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**From:** Doug Fleming [mailto:[dfleming@dougflaminglaw.com](mailto:dfleming@dougflaminglaw.com)]  
**Sent:** Tuesday, May 31, 2011 12:48 PM  
**To:** Joe Matthews  
**Subject:** RE: Trillium Kitchette Bldg, Fishing Gazebo and Bridge - QUESTION

Thanks for the email, Joe. I think it best to be proactive. I'll call the county attorney's office to determine who has the R on this. Hopefully I can speak with him/her.

I hope you had a nice memorial day weekend with your family.

Doug

Douglas L. Fleming, Jr.  
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---

**From:** Joe Matthews [mailto:jmatthews@tmgworld.net]  
**Sent:** Tuesday, May 31, 2011 12:17 PM  
**To:** dfleming@dougfleminglaw.com  
**Subject:** FW: Trillium Kitchette Bldg, Fishing Gazebo and Bridge - QUESTION

Doug...

FYI - We are making progress as it relates to getting our permits; however I need to bring an issue to your attention that you might need to get involved in.

Based on the note below, zoning is asking the county attorney for an opinion to make sure that the improvements that we are proposing are consistent with the conservation easement that is associated with the property. It seems to me that the improvements that we are proposing are consistent with the easement; however I wonder if you should proactively talk to the county attorney or simply let nature takes it course?

Any thoughts?

Sincerely,  
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---

**From:** Keim, Marsha [mailto:Marsha.Keim@loudoun.gov]  
**Sent:** Tuesday, May 31, 2011 11:40 AM

**To:** Joe Matthews  
**Cc:** Lohr, Michelle; Brown, Ron  
**Subject:** RE: Trillium Kitchette Bldg, Fishing Gazebo and Bridge - QUESTION

The kitchenette needs one building/zoning application. You need not send a check for that structure with the plans since it will need building review as well as a zoning review. The zoning permit fee will be the residential fee of \$165.00, but since it is not a zoning only permit that fee will be included with the building permit fees.

The fishing gazebo and the bridge will each need a building/zoning permit application with four sets of plans and plat each. You will pay for them after the reviews are completed same as the kitchenette.

Remember you will need the Historic District Review Committee approval, before I can approve the zoning permit(s). The County Attorney's Office will also be contacted for an opinion as to whether the proposed structure(s) are acceptable under the terms of the easement held by the Board of Supervisors.

Marsha Keim

---

**From:** Joe Matthews [mailto:jmatthews@tmgworld.net]  
**Sent:** Tuesday, May 31, 2011 10:41 AM  
**To:** Keim, Marsha  
**Cc:** Carolina Marchant  
**Subject:** Trillium Kitchette Bldg, Fishing Gazebo and Bridge - QUESTION

Marsha....

One last thing....

Of the five structures in the original drawings (kitchenette bldg, fishing gazebo, bridge and two pavilions), we have decided that the scope of our current effort should include three of the five structures, which consists of the kitchenette bldg, fishing gazebo and the bridge.

I understand that we need to submit a zoning application and a check for \$169 for the kitchenette bldg and the fishing gazebo. How do we handle the bridge?

Let me know.

Thank you.

Sincerely,  
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## Murphy, Lauren

---

**From:** Murphy, Lauren  
**Sent:** Tuesday, July 05, 2011 4:02 PM  
**To:** Keim, Marsha  
**Subject:** FW: Trillium Kitchette Bldg, Fishing Gazebo and Bridge - QUESTION

**Categories:** HDRC or Preservation

Marsha – sorry about the duplication – Joe emailed you faster than I could email him.

Thanks for your help!

lauren

---

**From:** Murphy, Lauren  
**Sent:** Tuesday, July 05, 2011 4:01 PM  
**To:** 'Joe Matthews'  
**Subject:** RE: Trillium Kitchette Bldg, Fishing Gazebo and Bridge - QUESTION

Joe – I just spoke with Marsha and she has not heard back from the County Attorney's office yet but your proposal was referred when you submitted your permit applications. I believe that Ron Brown is on vacation this week but I will check in with him on Monday when he returns in the hopes of getting some indication from his office in time for the meeting that night.

As we've discussed, the HDRC commonly defers action on any property under any easement until they've heard from the easement holder. In your case, the easement holder is Loudoun County via the County Attorney's Office. If you would prefer to defer the review of your CAPP application to our August meeting just let me know. Otherwise I will provide the HDRC with a status "report" at the meeting on the 11<sup>th</sup>.

Thanks,  
Lauren

---

**From:** Joe Matthews [mailto:jmatthews@tmgworld.net]  
**Sent:** Tuesday, July 05, 2011 3:41 PM  
**To:** Murphy, Lauren  
**Subject:** FW: Trillium Kitchette Bldg, Fishing Gazebo and Bridge - QUESTION

Lauren...

See attached...

Sincerely,  
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**From:** Doug Fleming [mailto:dfleming@dougfleminglaw.com]  
**Sent:** Tuesday, May 31, 2011 12:48 PM  
**To:** Joe Matthews  
**Subject:** RE: Trillium Kitchette Bldg, Fishing Gazebo and Bridge - QUESTION

Thanks for the email, Joe. I think it best to be proactive. I'll call the county attorney's office to determine who has the R on this. Hopefully I can speak with him/her.

I hope you had a nice memorial day weekend with your family.

Doug

Douglas L. Fleming, Jr.  
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Leesburg, Virginia 20176  
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**Sent:** Tuesday, May 31, 2011 12:17 PM  
**To:** dfleming@dougfleminglaw.com  
**Subject:** FW: Trillium Kitchette Bldg, Fishing Gazebo and Bridge - QUESTION

Doug...

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Based on the note below, zoning is asking the county attorney for an opinion to make sure that the improvements that we are proposing are consistent with the conservation easement that is associated with the property. It seems to me that the improvements that we are proposing are consistent with the easement; however I wonder if you should proactively talk to the county attorney or simply let nature takes it course?

Any thoughts?

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**From:** Keim, Marsha [mailto:Marsha.Keim@loudoun.gov]  
**Sent:** Tuesday, May 31, 2011 11:40 AM  
**To:** Joe Matthews  
**Cc:** Lohr, Michelle; Brown, Ron  
**Subject:** RE: Trillium Kitchette Bldg, Fishing Gazebo and Bridge - QUESTION

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Remember you will need the Historic District Review Committee approval, before I can approve the zoning permit(s). The County Attorney's Office will also be contacted for an opinion as to whether the proposed structure(s) are acceptable under the terms of the easement held by the Board of Supervisors.

Marsha Keim

---

**From:** Joe Matthews [mailto:jmatthews@tmgworld.net]  
**Sent:** Tuesday, May 31, 2011 10:41 AM  
**To:** Keim, Marsha

**Cc:** Carolina Marchant

**Subject:** Trillium Kitchette Bldg, Fishing Gazebo and Bridge - QUESTION

Marsha....

One last thing....

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